UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,940	12/29/2000	Hong Cai	JP-1999-0279US (8728-464)	9013

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EXAMINER
BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/750,940	CAI ET AL.
	Examiner	Art Unit	
	Douglas B. Blair	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _24 July 2006_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-6,8 and 9_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-6,8 and 9_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendment filed 7/24/2006 is objected to under 35 U.S.C. 132(a) because it

introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall

introduce new matter into the disclosure of the invention. The added material which is not

supported by the original disclosure is as follows:

2.   The amendment to page 10, line 10-page 11, line 3 that states: "The synchronized service

engine may provide synchronized requests *managed by* a session. The asynchronzied service

engine may provide asynchronized requests *managed by* a queue." Though originally filed

claim 4 stated that the "service engine may provide synchronized requests *based on* session and

asynchronized requests *based on* queue". So the applicant's amendment constitutes new matter.

3.   The amendment to page 6, lines 12-24 attempts to establish a relationship between the

service abstraction layer and the service-platform layer when there never was one previously

therefore this amendment constitutes new matter.

4.   The amendment to page 9, line 19-page 10, line 2 that states: "After getting the data

form the backend system through the platform kernel, the device gateway then transforms *an*

XML response returned by the platform kernel section into a device readable page by

transforming the XML response into a file format which is adapted for the device and

transforming among communication protocols base don script languages of the device and sends

the page to the device over the network". Though originally filed claim 6 stated that, "a

corresponding gateway for each kind of device, for transforming *the information representation*

XML into a file format which is adapted for various device for displaying and transforming

among communication protocol based on the script language of various devices stored in said

device profile." So again the applicant's amendment constitutes new matter.

5.   **Applicant is required to cancel the new matter in the reply to this Office Action.**

Drawings

6.   The previous drawing objections have been withdrawn in light of the applicant's

amendments to the claims.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

8.   Claims 1 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed

invention.

9.   As to claim 1, the applicant's disclosure never describes "a device-platform interface, for

accepting device requests issued by devices wherein said device requests are in a device specific

format, transforming the device requests into XML requests and then sending the XML requests

to a platform kernel section, and transforming XML responses which are returned by the

platform kernel section into the device specific format". The applicant's amendment to the

specification filed 7/24/2006 is the only part of the specification that appears to describe such

limitations and for reasons explained above it has not been entered and therefore cannot be relied

upon for support by the claim language.

10.   As to claim 4, the applicant's claim amendment relies directly on the amendment to the

specification filed on 7/24/2006 that has not been entered and therefore cannot be relied upon by

the applicant.

Claim Rejections - 35 USC § 102

11.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

12.   Claims 1-2, 4, 6, and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Number 6,826,597 to Lonroth et al..

13.   As to claim 1, Lonroth teaches a pluggable service delivery platform for supporting many

devices requesting many services in an e-business application, comprising: a device-platform

interface, for accepting device requests issued by devices wherein said device requests are in a

device specific format **(col. 3, line 63-col. 4, line 5 and Figure 2, the gateway 202 accepts**

requests from devices in the device's communication format), transforming the device

requests into XML requests **(col. 4, lines 6-11 and Figure 2, the pre-processor 240 translates**

the requests to XML) and then sending the XML requests to a platform kernel section **(col. 4,**

lines 12-15, the XML requests are forwarded to the XML processor 242), and transforming

XML responses which are returned by the platform kernel section into the device specific format

(col. 4, lines 18-21, the post-processor 244 translates XML responses to the requesting

entity's format), said device-platform interface comprising; (1) a common transcoding section,

for transcoding between the device specific format and XML **(the pre-processor 240 and the**

post-processor 244 are considered a "common transcoding section); and (2) a device

dependent component, the device dependent component comprising device type and transmitting

protocol information **(col. 5, lines 35-37, the configuration database 254)**; and a service-

platform interface, for abstracting service requirements of the services as a common base **(col. 6,**

lines 19-25, the XML gateways), providing an adapter for each of the services based on the

service requirements **(each XML gateway)**, the adapter for transforming between service

responses issued by the services and the XML responses **(col. 6, lines 26-47)**; wherein the

platform kernel section is for managing user information, device information and service

information **(col. 6, line 1-col. 7, line 36, the XML processor manages all interaction between**

users, devices and services), providing one of a synchronized and an asynchronized service

engine, providing interfaces with modules in the platform kernel section, and transferring the

XML requests and the XML responses among the modules and between services and devices

(col. 6, line 1-col. 7, line 36).

14.   As to claim 2, Lonroth teaches a pluggable service delivery platform according to claim

1, wherein said platform kernel section further comprises three layers: a run-time layer, an

administration layer, and a development layer; the run-time layer, the administration layer and

the development layer are associated via a platform API; the run-time layer provides on-line

information access **(col. 9, lines 25-59)**, the administration layer is responsible for adding and

deleting the user information, the device information and the service information **(col. 10, lines**

27-59), and the development layer provides support to new services and new devices **(col. 9, line**

63-col. 10, line 23).

15.   As to claim 4, Lonroth teaches a pluggable service delivery platform according to claim

1, wherein said one of a synchronized and an asynchronized service engine provides

synchronized requests managed by a session and asynchronized requests managed by a queue

(col. 6, line 1-col. 7, line 36).

16.   As to claim 6, Lonroth teaches a pluggable service delivery platform according to claim

1, wherein said device-platform interface provides a corresponding gateway for each of the

devices, for transforming the XML response into a file format which is adapted for the devices

and transforming among communication protocols based on script languages of the devices

stored in said device information **(col. 7, lines 40-49)**.

17.   As to claim 8, Lonroth teaches a pluggable service delivery platform according to claim

1, wherein upon the platform running, a new kind of device can be incorporated by adding a

gateway in the device-platform interface and adding an item in said device information without

changing service system at a back-end of the platform **(Adding to the pre-processor 240 and**

post processor 244 does not change the change the XML processor 242 or its gateways).

18.   As to claim 9, Lonroth teaches a pluggable service delivery platform according to claim

1, wherein upon the platform running, a new kind of service can be incorporated by adding an

adapter in the service-platform interface and adding an item in said service information without

modifying the programs at a front-end of the platform **(Adding to the XML gateways does not change the implementation of the pre-processor 240 and the post processor 244).**

Claim Rejections - 35 USC § 103

19.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

20.   Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,826,597 to Lonroth et al..

21.   As to claim 3, Lonroth teaches a pluggable service delivery platform according to claim 1 including an XML processor including a profile manager and a platform runtime monitor **(col. 9, line 25-col. 10, line 59)**; however Lonroth does not explicitly teach the XML processor comprising: a billing interface.

22.   The applicant states that the billing interface can be replaced by third party products on page 12, lines 9-16 of the applicant's specification. Therefore the billing interface is considered applicant admitted prior art in accordance with MPEP section 2129.

23.   It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Lonroth regarding a pluggable e-business system with a well known third party billing interface because Lonroth teaches the use of commercial services such as FedEx and UPS (col. 6, lines 26-48) so it would be logical to bill for those services.

24.   As to claim 5, Lonroth teaches a pluggable service delivery platform according to claim

3, wherein said profile manager is used for managing the user information, the service

information and the device information **(col. 9, line 25-col. 10, line 59)**.

Response to Arguments

25.   Applicant's arguments, see Remarks, filed 7/24/2006, with respect to Humplemann have

been fully considered and are persuasive. The rejection of claims 1-6 and 8-9 based on

Humplemann has been withdrawn.

26.   Applicant's arguments filed 7/24/2006 with respect to Lonroth have been fully considered

but they are not persuasive. The applicant's arguments against Lonroth have been specifically

addressed in the mappings of the rejected claims necessitated by the applicant's amendment.

Conclusion

27.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing
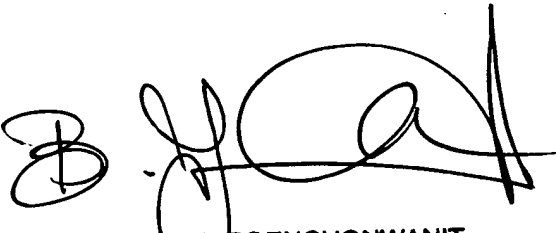
date of this final action.

28.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The

examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

DBB

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SUPERVISORY PATENT EXAMINER